

Notice of Allowability

Application No.

10/678,064

Examiner

Sanh D. Phu

Applicant(s)

KITAMI ET AL.

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 12/29/2006.
2. ☒ The allowed claim(s) is/are 13-16 and 20-23.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 11/8/2006
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. This Office Action is responsive to the Amendment filed on 12/29/06. Accordingly, claims 13-16 and 20-23 are currently pending; and claims 1-12 and 17-19 are canceled.

REASONS FOR ALLOWANCE

2. Claims 13-16 and 20-23 are allowed.
3. The following is an examiner's statement of reasons for allowance:
 - Regarding to independent claim 13, none of prior art of record teaches a wireless communication network system, as claimed. Kuffner teaches the claimed wireless communication network system except he fails to teach a wireless base station wherein the wireless communication network system comprises a wireless communication terminal and the wireless base station which is capable of making communications based on a plural wireless network standards with said wireless communication terminal, and communicates with said wireless communication terminal on the basis of one of the plural wireless network standards, wherein when a problem occurs in the communications based on one of the plural wireless network standards between said wireless

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base station and said wireless communication terminal, said wireless base station transmits to said wireless communication terminal a shift command for shifting to communications based on another wireless network standard, and when the problem can be overcome, said wireless base station transmits to said wireless communication terminal a return command for returning to the communications based on the one of wireless network standards. It would not have been obvious for a person skilled in the art to implement Kuffner in view of other prior art of record for leading such the implementation to the claimed invention.

–Regarding to independent claim 14, none of prior art of record teaches a wireless communication network system, as claimed. Kuffner teaches the claimed wireless communication network system except he fails to teach a wireless base station wherein the wireless communication network system comprises a wireless communication terminal and the wireless base station which is capable of making communications based on two wireless network standards with said wireless communication terminal, and communicates with said wireless communication terminal on the basis of one of the two wireless

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network standards, wherein when a problem occurs in the communications based on one of the two wireless network standards between said wireless base station and said wireless communication terminal, said wireless base station transmits to said wireless communication terminal a shift command for shifting to communications based on another wireless network standard, and when the problem can be overcome, said wireless base station transmits to said wireless communication terminal a return command for returning to the communications based on the one of wireless network standards. It would not have been obvious for a person skilled in the art to implement Kuffner in view of other prior art of record for leading such the implementation to the claimed invention.

-Regarding to independent claim 15, none of prior art of record teaches a wireless communication network system, as claimed. Kuffner teaches the claimed wireless communication network system except he fails to teach a first wireless base station and a second wireless base station wherein the wireless communication network system comprises a wireless communication terminal carrying out communications based on one of a plural wireless network

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standards with said wireless communication terminal and the first wireless base station and the second wireless base station for carrying out communications based on another wireless network standard of the plural wireless network standards with said wireless communication terminal, wherein when a problem occurs in communications based on the one wireless network standard with the wireless communication terminal, said first wireless base station transmits to said wireless communication terminal a shift command for shifting to the communications based on the another wireless network standard with said second wireless base station, and when the problem is overcome, said first wireless base station transmits to said second wireless base station a first return command for returning to the communications based on the one wireless network standard, and also upon receiving the first return command, said second wireless base station transmits to said wireless communication terminal a second return command for returning to the communications based on the one wireless network standard with said first wireless base station. It would not have been obvious for a person skilled in the art to implement

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Kuffner in view of other prior art of record for leading such the implementation to the claimed invention.

—Regarding to independent claim 16, none of prior art of record teaches a wireless communication network system, as claimed. Kuffner teaches the claimed wireless communication network system except he fails to teach a first wireless base station and a second wireless base station wherein the wireless communication network system comprises a wireless communication terminal, the first wireless base station for carrying out communications based on one of two wireless network standards with said wireless communication terminal and the second wireless base station for carrying out communications based on another wireless network standard of the two wireless network standards with said wireless communication terminal, wherein when a problem occurs in communications based on the one wireless network standard with the wireless communication terminal, said first wireless base station transmits to said wireless communication terminal a shift command for shifting to the communications based on the another wireless network standard with said second wireless base station, and when the problem is overcome, said first

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wireless base station transmits to said second wireless base station a first return command for returning to the communications based on the one wireless network standard, and also upon receiving the first return command, said second wireless base station transmits to said wireless communication terminal a second return command for returning to the communications based on the one wireless network standard with said first wireless base station. It would not have been obvious for a person skilled in the art to implement Kuffner in view of other prior art of record for leading such the implementation to the claimed invention.

–Regarding to independent claim 20, none of prior art of record teaches a wireless communication network system, as claimed. Kuffner teaches the claimed wireless communication network system except he fails to teach a wireless base station wherein the wireless communication network system comprises a wireless communication terminal and the wireless base station which is capable of making communications based on a plural wireless network standards with said wireless communication terminal, and communicates with said wireless communication terminal on the basis of one of the plural wireless

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network standards, wherein when a problem occurs in the communications based on one of the plural wireless network standards between said wireless base station and said wireless communication terminal, said wireless base station transmits to said wireless communication terminal a shift command for shifting to communications based on another wireless network standard, and when the problem can be overcome, said wireless base station transmits to said wireless communication terminal a return command for returning to the communications based on the one of wireless network standards. It would not have been obvious for a person skilled in the art to implement Kuffner in view of other prior art of record for leading such the implementation to the claimed invention.

-Regarding to independent claim 21, none of prior art of record teaches a wireless communication network system, as claimed. Kuffner teaches the claimed wireless communication network system except he fails to teach a wireless base station wherein the wireless communication network system comprises a wireless communication terminal and the wireless base station which is capable of making communications based on two wireless network

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standards with said wireless communication terminal, and communicates with said wireless communication terminal on the basis of one of the two wireless network standards, wherein when a problem occurs in the communications based on one of the two wireless network standards between said wireless base station and said wireless communication terminal, said wireless base station transmits to said wireless communication terminal a shift command for shifting to communications based on another wireless network standard, and when the problem can be overcome, said wireless base station transmits to said wireless communication terminal a return command for returning to the communications based on the one of wireless network standards. It would not have been obvious for a person skilled in the art to implement Kuffner in view of other prior art of record for leading such the implementation to the claimed invention.

-Regarding to independent claim 22, none of prior art of record teaches a wireless communication network system, as claimed. Kuffner teaches the claimed wireless communication network system except he fails to teach a first wireless base station and a second wireless base station wherein the wireless

communication network system comprises a wireless communication terminal carrying out communications based on one of a plural wireless network standards with said wireless communication terminal and the first wireless base station and the second wireless base station for carrying out communications based on another wireless network standard of the plural wireless network standards with said wireless communication terminal, wherein when a problem occurs in communications based on the one wireless network standard with the wireless communication terminal, said first wireless base station transmits to said wireless communication terminal a shift command for shifting to the communications based on the another wireless network standard with said second wireless base station, and when the problem is overcome, said first wireless base station transmits to said second wireless base station a first return command for returning to the communications based on the one wireless network standard, and also upon receiving the first return command, said second wireless base station transmits to said wireless communication terminal a second return command for returning to the communications based on the one wireless network standard with said first wireless base station. It

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would not have been obvious for a person skilled in the art to implement Kuffner in view of other prior art of record for leading such the implementation to the claimed invention.

-Regarding to independent claim 23, none of prior art of record teaches a wireless communication network system, as claimed. Kuffner teaches the claimed wireless communication network system except he fails to teach a first wireless base station and a second wireless base station wherein the wireless communication network system comprises a wireless communication terminal, the first wireless base station for carrying out communications based on one of two wireless network standards with said wireless communication terminal and the second wireless base station for carrying out communications based on another wireless network standard of the two wireless network standards with said wireless communication terminal, wherein when a problem occurs in communications based on the one wireless network standard with the wireless communication terminal, said first wireless base station transmits to said wireless communication terminal a shift command for shifting to the communications based on the another wireless network standard with said

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second wireless base station, and when the problem is overcome, said first wireless base station transmits to said second wireless base station a first return command for returning to the communications based on the one wireless network standard, and also upon receiving the first return command, said second wireless base station transmits to said wireless communication terminal a second return command for returning to the communications based on the one wireless network standard with said first wireless base station. It would not have been obvious for a person skilled in the art to implement Kuffner in view of other prior art of record for leading such the implementation to the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D. Phu whose telephone number

is (571)272-7857. The examiner can normally be reached on M-Th from 7:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

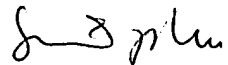
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